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5 IN THE UNITED STATES DISTRICT COURT

6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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8 JEROME L. GRIMES,) No. C 13-1214 JSW (PR)
9 Plaintiff,)
10 v.) **ORDER OF DISMISSAL**
11 TELLUS OPERATING GROUP, LLC,)
12 Defendants.)
13 _____)

14 Plaintiff, an inmate in the Napa State Hospital and frequent litigator in this Court,
15 has recently filed this pro se civil rights case. On May 18, 2000, this Court informed
16 Plaintiff that under the "three-strikes" provisions of 28 U.S.C. § 1915(g) he generally is
17 ineligible to proceed *in forma pauperis* in federal court with civil actions filed while he is
18 incarcerated. *See Grimes v. Oakland Police Dept.*, C 00-1100 CW (Order Dismissing
19 Complaint, 5/18/00). Since then, Plaintiff has continued to file hundreds of civil rights
20 actions seeking *in forma pauperis* status. With respect to each action filed, the Court
21 conducts a preliminary review to assess the nature of the allegations and to determine
22 whether Plaintiff alleges facts which bring him within the "imminent danger of serious
23 physical injury" exception to § 1915(g). In the past, Plaintiff has routinely been granted
24 leave to amend to pay the full filing fee and to state cognizable claims for relief, but he
25 has habitually failed to do so. For example, in 2003 alone Plaintiff's failure to comply
26 resulted in the dismissal of approximately thirty-six actions under § 1915(g).

27 In accord with this ongoing practice, the Court has reviewed the allegations in the
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1 present action and finds that Plaintiff alleges no facts which bring him within the
2 "imminent danger" clause. The complaint makes claims under 42 U.S.C. § 1983 against
3 private individuals as well as a series of nonsensical or plainly implausible allegations,
4 including "pretext heirship rowing murder." It has been explained to Plaintiff countless
5 times that such claims and allegations are not cognizable. Therefore, it would be futile to
6 grant Plaintiff leave to amend. And even if Plaintiff did amend, he would be required to
7 pay the \$350.00 filing fee, which he has never done.

8 Accordingly, this case is DISMISSED without prejudice under § 1915(g). The
9 application to proceed *in forma pauperis* is DENIED. No fee is due. If Plaintiff is so
10 inclined, he may bring his claims in a new action accompanied by the \$350.00 filing fee.
11 In any event, the Court will continue to review under § 1915(g) all future actions filed by
12 Plaintiff while he is incarcerated in which he seeks *in forma pauperis* status.

13 The Clerk of the Court shall close the files and terminate all pending motions in
14 the cases listed in the caption of this order.

15 IT IS SO ORDERED.

16 DATED: May 1, 2013


17 JEFFREY S. WHITE
18 United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JEROME L GRIMES,

Case Number: CV13-01214 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

TELLUS OPERATING GROUP LLC et al.

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 1, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jerome L. Grimes
Napa State Hospital
#206586-0/ Unit Q-1 & 2
2100 Napa Vallejo Highway
Napa, CA 94558

Dated: May 1, 2013

Jennifer Ottolini
Richard W. Wierking, Clerk
By: Jennifer Ottolini, Deputy Clerk

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